

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

DONALD J. SEARLES,

Plaintiff,

V.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 2:15-cv-00617 JRC

ORDER ON STIPULATED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES AND EXPENSES AND
FOR COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 3; Consent to Proceed Before a United States Magistrate Judge, Dkt. 4). This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act Fees, Expenses and Costs (*see* Dkt. 13).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the stipulation of the parties (*see* Dkt. 13), the attorney declaration (Dkt. 14) and time and expense itemizations (Dkt. 14, Attachment 1), and the relevant record, it is hereby ORDERED that EAJA attorney’s

1 fees of \$4,647.16 and expenses in the amount of \$20.07, shall be awarded to plaintiff pursuant to
2 the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at
3 ***6-***7 (2010).

4 It is further ORDERED that costs in the amount of \$400.00 shall be awarded to plaintiff
5 pursuant to 28 U.S.C. § 1920.

6 The Acting Commissioner agrees to contact the Department of Treasury after the Order
7 for EAJA fees and expenses and for costs is entered to determine if the EAJA fees, expenses and
8 costs are subject to any offset. If it is determined that plaintiff's EAJA fees, expenses and costs
9 are not subject to any offset allowed pursuant to the Department of the Treasury's Offset
10 Program, then the check for EAJA fees, expenses and costs shall be made payable to Sara M.
11 Herr-Waldroup, Esq., based on plaintiff's assignment of these amounts to plaintiff's attorney
12 (see Plaintiff's Declaration and Assignment of EAJA Fees, Dkt. 14, Attachment 2). If there is an
13 offset, the remainder shall be made payable to plaintiff, based on the practice of the Department
14 of the Treasury (see, e.g., Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees,
15 expenses and costs shall be mailed to plaintiff's counsel, Sara M. Herr-Waldroup, Esq., at
16 Russell & Hill, PLLC, 3811-A Broadway, Everett, WA 98201.

17 Dated this 10th day of December, 2015.

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20 J. Richard Creatura
21 United States Magistrate Judge
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